

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 RICHARD D. YORK,

10 Petitioner,

No. C09-5513 RBL/KLS

11 v.

ORDER DENYING MOTION FOR THE
APPOINTMENT OF COUNSEL

12 MAGGIE MILLER-STOUT,

13 Respondent.

14 This 28 U.S.C. § 2254 petition has been assigned to United States Magistrate Judge
15 Karen L. Strombom pursuant to 28 U.S. C. § 636(b)(1) and Local MJR 3 and 4. Petitioner has
16 filed a motion for the appointment of counsel. Dkt. 8. Petitioner requests the appointment of
17 counsel because he cannot afford one, his imprisonment will greatly limit his ability to litigate,
18 the issues are complex, and his access to a law library is limited, and *Id.*

19
20 There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254
21 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See
22 *Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164,
23 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United
24 States District Courts. An evidentiary hearing has not been granted in this case and the claims in
25 the petition are adequately set forth and articulated. Petitioner has not yet demonstrated that an
26 evidentiary hearing is necessary or that he is entitled to one.


ORDER DENYING MOTION FOR COUNSEL - 1

1 Accordingly, it is **ORDERED**:

2 (1) Petitioner's motion for counsel (Dkt. 8) is **DENIED**.

3 (2) The Clerk is directed to send copies of this Order to Petitioner.
4

5 DATED this 10th day of November, 2009.
6

7 
8 Karen L. Strombom
9 United States Magistrate Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26